

## Message Text

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17

ORIGIN TRSE-00

INFO OCT-01 EA-06 ISO-00 AGR-05 CEA-01 CIAE-00 COME-00

DODE-00 EB-07 FRB-03 H-02 INR-07 INT-05 L-02 LAB-04

NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15 STR-04

TAR-01 USIA-06 PRS-01 SP-02 OMB-01 FEA-01 /086 R

DRAFTED BY TREASURY:JWALLAR:CLJ

APPROVED BY EBOT/STA:WCLARK,JR.

EB/OT/STA:EGCONSTABLE

EA/PHL:RWILLNER

----- 118220

R 202243Z MAY 75

FM SECSTATE WASHDC

TO AMEMBASSY MANILA

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E.O. 11652:N/A

TAGS:ETRD, RP

SUBJECT:COUNTERVAILING DUTIES--CERAMIC WALL TILE

REF: STATE 78024

1. WE ARE INFORMED THAT SOME QUESTION HAS ARISEN REGARDING  
CONDUCT OF COUNTERVAILING DUTY INVESTIGATION ON PHILIPPINE  
CERAMIC WALL TILE. FOLLOWING PROCEDURES PREVIOUSLY WORKED  
OUT FOR CONDUCT OF SUCH INVESTIGATIONS ARE FORWARDED FOR  
INFORMATION AND GUIDANCE OF EMBASSY. BEGIN QUOTE:

A) IT IS THE RESPONSIBILITY OF THE CUSTOMS REPRESENTATIVE  
TO CONDUCT COUNTERVAILING DUTY INVESTIGATIONS AND DEVELOP  
ALL THE RELEVANT FACTUAL INFORMATION WHICH IS NECESSARY FOR  
A DETERMINATION AS TO THE EXISTENCE OF BOUNTIES OR GRANTS,  
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IF ANY, AND THEIR AMOUNTS.

B) EMBASSIES ARE REQUESTED NOT TO INITIATE CONTACTS WITH GOVERNMENT OR INDUSTRY OFFICIALS CONCERNING AN INDIVIDUAL COUNTERVAILING DUTY INVESTIGATION WITHOUT FIRST CONSULTING THE CUSTOMS REPRESENTATIVE.

C) IF IT SHOULD DEVELOP THAT A HOST GOVERNMENT OR FIRM CALLS ON EMBASSY, EMBOFFS MAY RESPOND AS THOUGHT APPROPRI-

ATE BUT ARE REQUESTED TO FOCUS ON BROAD ISSUES RELATED TO COUNTERVAILING DUTY STATUTE AND AVOID DISCUSSION OF SPECIFICS ON INDIVIDUAL INVESTIGATIONS IN PROCESS. TO ENSURE MAXIMUM COORDINATION, REPORTS ON SUCH CONVERSATIONS SHOULD BE FORWARDED BOTH TO WASHINGTON AND THE CUSTOMS REPRESENTATIVE.

D) AS AN OPERATING RULE, ALL INQUIRIES WITH RESPECT TO COUNTERVAILING DUTY CASES SHOULD BE CONDUCTED THROUGH HOST GOVERNMENTS AND NO CONTACTS SHOULD BE MADE WITH FIRMS WITHOUT FIRST OBTAINING THEIR ACQUIESCENCE THROUGH THE HOST GOVERNMENT. WHERE THERE IS AN INDICATION THAT HOST GOVERNMENTS OR INDIVIDUAL FIRMS MAY NOT COOPERATE, THIS SHOULD BE REPORTED IMMEDIATELY TO WASHINGTON BY EMBASSY OR CUSTOMS REPRESENTATIVE AS APPROPRIATE. CUSTOMS REPRESENTATIVES ARE RESPONSIBLE FOR DETERMINING THE APPROPRIATE COMPANY OFFICERS WHO SHOULD BE VISITED AND ARRANGING DIRECTLY WITH THEM MUTUALLY CONVENIENT MEETING TIMES.

E) CUSTOMS REPRESENTATIVES ARE REQUESTED TO KEEP POSTS FULLY INFORMED OF DEVELOPMENTS IN INDIVIDUAL CASES, AND INFORM EMBASSIES BEFORE INITIATING CONTACTS WITH HOST GOVERNMENT OFFICIALS.

2. IF THESE PROCEDURES RAISE DIFFICULTIES FOR INDIVIDUAL POSTS IN CERTAIN CASES, THEY ARE REQUESTED TO INFORM WASHINGTON BEFORE DEPARTING FROM THEM SO THAT ALTERNATIVE PROCEDURES CAN BE CONSIDERED. END QUOTE.

3. THE EARLIEST POSSIBLE RESPONSE TO THE CUSTOMS QUESTIONNAIRE IS DESIRABLE AS IT WOULD ALLOW TREASURY TO LIMITED OFFICIAL USE

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ANALYZE DATA, AND LEAVE TIME FOR CUSTOMS TO REQUEST ANY ADDITIONAL DATA OR CLARIFICATION FROM GOP SO THAT ESTIMATES OF ANY POSSIBLE BOUNTIES OR GRANTS WOULD BE ACCURATE. UNDER COUNTERVAILING DUTY LAW TREASURY IS REQUIRED TO PROCEED ON BASIS OF "BEST INFORMATION AVAILABLE". IN THE ABSENCE OF ADEQUATE DATA OBTAINED IN CUSTOMS INVESTIGATION, "BEST INFORMATION" WOULD BE THAT SUPPLIED BY U.S. PETITIONER WHICH HAS BEEN DESIGNED TO SUPPORT FINDING OF

MAXIMUM BOUNTY OR GRANT. ACCORDINGLY, EMBASSY SHOULD SEEK  
GOP REPLY BY JUNE 15, IF POSSIBLE. (ADB BRIEFING PAPERS  
POUCHED TO EMBASSY IN APRIL CONTAIN FURTHER BACKGROUND.)  
INGERSOLL

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CERAMICS, TRADE LAW, EXPORTS, COUNTERVAILING DUTIES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 20 MAY 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** RowellE0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975STATE118004  
**Document Source:** CORE  
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**Drafter:** JWALLAR:CLJ  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750178-0400  
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**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ORIGIN TRSE  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 75 STATE 78024  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** RowellE0  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 23 JUL 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <23 JUL 2003 by BoyleJA>; APPROVED <19 NOV 2003 by RowellE0>  
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Margaret P. Grafeld  
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**Review Media Identifier:**  
**Review Referrals:** n/a  
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**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** COUNTERVAILING DUTIES--CERAMIC WALL TILE  
**TAGS:** ETRD, RP, US  
**To:** MANILA  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006